

**Bruce L. Campbell**, OSB No. 925377

bruce.campbell@millernash.com

**John C. Clarke**, OSB No. 153245

john.clarke@millernash.com

**MILLER NASH GRAHAM & DUNN LLP**

3400 U.S. Bancorp Tower

111 S.W. Fifth Avenue

Portland, Oregon 97204

Phone: 503.224.5858

**Christopher Knauf**, admitted pro hac vice

ck@drlcenter.org

**Anthony Pinggera**, admitted pro hac vice

acp@drlcenter.org

**DISABILITY RIGHTS LEGAL CENTER**

1541 Wilshire Boulevard, Suite 400

Los Angeles, California 90017

Phone: 213.736.1031

**Amy Robertson**, admitted pro hac vice

arobertson@creeclaw.org

**Timothy Fox**, admitted pro hac vice

tfox@creeclaw.org

**Pilar Gonzales Morales**, admitted pro hac vice

pgonzalez@creeclaw.org

**CIVIL RIGHTS EDUCATION AND ENFORCEMENT**

**CENTER** 1245 E. Colfax Avenue, Suite 400

Denver, Colorado 80218

Phone: 303.757.7901

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
PORTLAND DIVISION

PHILIP WOLFE, KATALINA DURDEN,  
MELISSA LEWIS, JUNIPER SIMONIS,  
individually, and DISABILITY RIGHTS  
OREGON, an Oregon nonprofit and  
advocacy corporation,

Case No. 3:20-cv-01882-SI

**DECLARATION OF CHAD LUDWIG IN  
SUPPORT OF PLAINTIFFS' MOTION FOR  
PRELIMINARY INJUNCTION**

Plaintiffs,

v.

CITY OF PORTLAND, a municipal corporation; TED WHEELER, in his official capacity; CHUCK LOVELL, in his official capacity; MULTNOMAH COUNTY, a political subdivision of the State; MICHAEL REESE, in his official capacity; TERRI DAVIE, in her official capacity; CHAD WOLF, in his individual capacity; ALEJANDRO MAYORKAS, in his official capacity; DONALD WASHINGTON, in his individual and official capacity; and DOES 1-100, individual and supervisory officers of local, state, and federal government,

Defendants.

---

I, Chad Ludwig, make the following declaration based on my personal knowledge and declare under penalty of perjury pursuant to 28 U.S.C § 1746 that the following is true and correct:

1. My name is Chad Ludwig. I am over 18 years of age and I reside in Oregon.
2. I am a person with a disability. I am deaf, and I communicate using American Sign Language.
3. In 1997, I received a bachelor's degree in social work from the National Technical Institute of the Deaf at Rochester Institute of Technology in Rochester, New York. In

2002, I received a master's degree in social work and a certificate in social work practice with Deaf and Hard of Hearing individuals from East Carolina University. I am also certified as a Deaf/Blind interpreter and as an ADA Coordinator.

4. I have worked for the state of Oregon as a community organizer and activist for people who are Deaf and Hard of Hearing since 2012. I continue to work as an advisory member of the State of Oregon's Early Hearing Detection and Intervention Board, the Northwest ADA Advisory Committee at the Northwest ADA Center, and the Oregon Telephone Assistance Program with the Oregon Public Utility Commission.
5. I am currently employed at Western Oregon University's Regional Resource Center on Deafness as its Director. I also serve as the Executive Director at Bridges Oregon, a nonprofit that serves the interests of Deaf, Deaf/Blind, and Hard of Hearing individuals in Oregon.
6. Among my roles in advocacy in Oregon, I have worked with the Oregon Association for the Deaf (OAD) for many years, including serving as President from 2013 to 2017.
7. In August 2013, I attended a presentation at the Portland Commission on Disability regarding a new order from the Portland Police Chief, who at that time was Mike Reese. OAD reviewed the new policies directive of the Portland Police Bureau regarding communication with Deaf, Deaf/Blind, and Hard of Hearing individuals. OAD found that many of the policies and directives needed to be made more precise, contain more specific guidance, remove pejorative language, and incorporate more updated technology into its policies and directives.
8. I submitted under my signature a letter to Jenifer Johnston, the Deputy City Attorney for the City of Portland, dated August 26, 2013.
9. Attached is a true and correct copy of that letter.
10. Following the submission of my letter, I made repeated efforts to follow up with the City but obtained no satisfactory answer or any alteration to the policy directive.

/ / /

/ / /

/ / /

11. Review of the current policy shows that none of the concerns of the Deaf community articulated in the letter were addressed.

- The current policy continues to use the pejorative term “hearing impaired.”
- The current policy does not require that sign language interpreters be certified and qualified.
- The current policy encourages police officers to use written notes to communicate when an interpreter is not available and makes no mention of Video Remote Interpreting as an alternative.
- The current policy encourages use of TTY and Telephone Relay Services to accommodate Deaf and Hard of Hearing individuals. The policy does not mention or encourage the widely-used and more effective Video Relay Services that allow Deaf and Hard of Hearing users to see others’ lips moving and to see the signing of an interpreter.

12. The current policy is available online and indicates that it has not been amended since its enactment on August 7, 2013, as of the date of my review. The website does report that the directive is under review with no indication of when the review began or might be completed, or how one might weigh in on that process. Portland Policy Bureau, Policy 0640.36: Communication with Hearing Impaired and Limited English Proficient Persons, *available at* <https://www.portlandoregon.gov/police/article/533213>.

I declare under penalty of perjury and under the laws of the United States, pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct to the best of my knowledge, memory, and belief.

Executed on January 19, in the year 2021, in the city of Independence

  
\_\_\_\_\_  
Chad Ludwig

## CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing Declaration of Chad Ludwig in Support of Plaintiffs' Motion for Preliminary Injunction the attorney or party listed below on the date set forth below by the method(s) indicated:

JEFFREY BOSSERT CLARK  
Acting Assistant Attorney General  
BILL Y J. WILLIAMS  
United States Attorney  
JOHN V. COGHLAN  
Deputy Assistant Attorney General  
ALEXANDER K. HAAS  
Director, Federal Programs Branch  
BRIGHAM J. BOWEN  
Assistant Director, Federal Programs Branch  
MICHAEL P. CLENDENEN, DC #1660091  
Trial Attorney  
U.S. Department of Justice  
Civil Division, Federal Programs Branch  
1100 L Street, NW  
Washington, D.C. 20530  
Telephone: (202) 353-0693  
Facsimile: (202) 616-8460

- First-class mail, postage prepaid
- Facsimile, pursuant to ORCP 9 F
- Hand-delivery
- Overnight courier, delivery prepaid
- E-mail, pursuant to ORCP 9 G
- E-mail copy, as a courtesy only
- OJD EFILING SYSTEM, if registered at the party's email address as recorded on the date of service in the eFiling system, pursuant to UTCR 21.100.
- Other

*Attorneys for Defendants Wolf and Washington in their official capacity*

ELLEN F. ROSENBLUM, OSB #753239  
Attorney General  
DREW K. BAUMCHEN, OSB #045032  
Senior Assistant Attorney General  
Department of Justice  
1162 Court Street NE  
Salem, OR 97301-4096  
Telephone: (503) 947-4700  
Facsimile: (503) 947-4791  
Email: ellen.f.rosenblum@doj.state.or.us  
Drew.Baumchen@doj.state.or.us

- First-class mail, postage prepaid
- Facsimile, pursuant to ORCP 9 F
- Hand-delivery
- Overnight courier, delivery prepaid
- E-mail, pursuant to ORCP 9 G
- E-mail copy, as a courtesy only
- OJD EFILING SYSTEM, if registered at the party's email address as recorded on the date of service in the eFiling system, pursuant to UTCR 21.100.
- Other

*Attorneys for Defendant Terri Davie*

DANIEL SIMON, OSB #124544  
 Deputy City Attorney  
 LINDA LAW, OSB #943660  
 Chief Deputy City Attorney  
 linda.law@portlandoregon.gov  
 LINH T. VU, OSB #004164  
 Senior Deputy City Attorney  
 linh.vu@portlandoregon.gov  
 ELIZABETH C. WOODARD, OSB #075667  
 Deputy City Attorney  
 beth.woodard@portlandoregon.gov  
 Portland City Attorney's Office  
 1221 SW 4th Ave., Rm. 430  
 Portland, OR 97204  
 Telephone: (503) 823-4047  
 Facsimile: (503) 823-3089  
 Email: dan.simon@portlandoregon.gov  
 linda.law@portlandoregon.gov  
 linh.vu@portlandoregon.gov  
 beth.woodard@portlandoregon.gov

*Attorneys for City of Portland, Ted Wheeler and Chuck Lovell*

GLENN GREENE  
 New York State Bar No. 2674448  
 Senior Trial Attorney  
 DAVID G. CUTLER  
 Illinois State Bar No. 6303130  
 Trial Attorney  
 Torts Branch, Civil Division  
 Constitutional and Specialized Tort Litigation  
 PO Box 7146  
 Ben Franklin Station  
 Washington, D.C. 20044  
 Telephone: (202) 616-4143  
 Facsimile: (202) 616-4314  
 Email: glenn.greene@usdoj.gov

*Attorneys for Defendants Wolf and Washington in their individual capacity*

- First-class mail, postage prepaid
- Facsimile, pursuant to ORCP 9 F
- Hand-delivery
- Overnight courier, delivery prepaid
- E-mail, pursuant to ORCP 9 G
- E-mail copy, as a courtesy only
- OJD EFILING SYSTEM, if registered at the party's email address as recorded on the date of service in the eFiling system, pursuant to UTCR 21.100.
- Other

- First-class mail, postage prepaid
- Facsimile, pursuant to ORCP 9 F
- Hand-delivery
- Overnight courier, delivery prepaid
- E-mail, pursuant to ORCP 9 G
- E-mail copy, as a courtesy only
- OJD EFILING SYSTEM, if registered at the party's email address as recorded on the date of service in the eFiling system, pursuant to UTCR 21.100.
- Other

CHRIS GILMORE, OSB #980570  
Multnomah County Attorney's Office  
501 SE Hawthorne Blvd., Ste. 500  
Portland, OR 97214  
Telephone: (503) 988-3138  
Facsimile: (503) 988-3377  
Email: chris.gilmore@multco.us

*Attorney for Multnomah County and  
Michael Reese*

- First-class mail, postage prepaid
- Facsimile, pursuant to ORCP 9 F
- Hand-delivery
- Overnight courier, delivery prepaid
- E-mail, pursuant to ORCP 9 G
- E-mail copy, as a courtesy only
- OJD EFILING SYSTEM, if registered at the party's email address as recorded on the date of service in the eFiling system, pursuant to UTCR 21.100.
- Other

DATED: February 8, 2021.

s/ John C. Clarke  
Attorneys for Plaintiffs